

APPROVED: Meeting No. 29-93

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 28-93

July 26, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 26, 1993, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Mayor Duncan announced that Agenda Item #13 would be postponed due to a request received from representatives of Woodmont Country Club who had asked for an opportunity to comment on information that had been placed into the public record. Mayor Duncan noted that the record would be extended to remain open until September 3, 1993 and the Discussion and Instruction to staff would be back on the Mayor and Council's agenda of September 13, 1993.

Re: City Manager's Report

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1. The annual AIDS Walk will be held September 18, 1993 in Washington, D.C. Mayor Duncan has accepted the position of honorary chair for the Rockville area. Approximately 22,000 walkers are expected to participate.

2. After the signing of the Transitional and Development contract with RCI, staff has been working very diligently with representatives from RCI. A text amendment contemplated by the agreement is currently being worked on by City staff and representatives of RCI. Mr. Romer reported that design work is ongoing and in keeping with the Mayor and Council's suggestion, an ad hoc advisory group is being organized to assist staff on the expansion plans for Courthouse Square. Mr. Romer also noted that the transfer of ownership for the garage is ongoing.

3. The public hearing regarding the transfer of ownership of the Montgomery County cable franchise is scheduled to take place on July 29th, at 7:30 p.m., in the County Council Office Building conference room. The hearing will be conducted by a hearing examiner instead of elected officials of the County. Any elected official of the participating municipalities can attend and will be recognized. The hearing will be carried live on television and by Rockville Cable 53 and there will be an opportunity for elected officials of municipalities who can't be present, to call in questions.

Re: Proclamation declaring August 3,
1993 as **NATIONAL NIGHT**
OUT in Rockville.

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August 3, 1993 is the "10th Annual National Night Out" and Neighborhood Watch Groups in Rockville will join forces with thousands of other communities across the country in promoting cooperative police-community crime and drug prevention efforts.

Proclamation No. 11-93

By unanimous vote of the Mayor and Council, August 3, 1993 was declared "National Night Out" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Max Bliss, President of the Twinbrook Steering Committee, Gary Elliott, Member, West End Steering Committee, and Rockville's Police Chief Treschuk accepted copies of the Proclamation.

Re: Presentation of awards to winners and finalists of the Rockville Gazette Open Tennis Tournament, singles and doubles competition, which was held during the month of June.

Special Recognition Awards were presented to Judy Hruz, representing of the Rockville Gazette Newspaper and a representative from Racquet and Jog for their business's continued support and sponsorship of the 1993 Rockville Gazette Tennis Tournament. In addition, a special award of appreciation was presented to Dee Mc Nelis for her outstanding service and dedication in providing a very successful tennis tournament. Awards were then presented to all winners and finalists in the Rockville Gazette Open Tennis Tournament. This included the singles

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age/competitive categories were offered in doubles play and twelve age/competitive categories were offered in singles play.

Re: Presentation of Planning
Commission's Approved Master
Plan to Mayor and Council.

The Planning Commission has prepared an Approved Master Plan to guide Rockville into the next century. The Commission will present the Approved Plan to the Mayor and Council for its review and consideration.

James Vitol, Chairman of the Rockville Planning Commission presented the Planning Commission's Approved update of the City's Master Plan.

Mayor Duncan stated that the Mayor and Council would probably schedule at least one worksession in September and then hold a public hearing sometime thereafter.

Councilmember Coyle questioned whether there were any major areas of contention or disagreement that the Commission felt the Mayor and Council should be aware of.

Mr. Vitol responded that the report represented a good consensus by the Commission; however, he would provide to the Mayor and Council an outline of any issues that were raised.

Councilmember Krasnow commented on the number of meetings the Planning Commission held and she acknowledged the work put into the Master Plan by the Commission.

Councilmember Marrinan commented that the public at large would be interested in obtaining the document. Mr. Vitol noted that in the next week, all civic associations and members

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of the City's boards and commissions would be sent copies of the Plan. He also noted that availability of the Plan would be announced in Rockville Reports. Mr. Vitol stated that the Planning Commission recognized that time was needed for the Plan to be appropriately reviewed by citizens and boards and commissions; as a result, they had been given close to 5 months to review the recommended Plan and return any comments back to the Commission. Mr. Vitol commented that every diligent effort was made to distribute copies of the recommended Plan and the Commission would take the same steps to distribute and encourage public input on the approved Master Plan.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Bill Meyer, 804 Leverton Road expressed his support for the City taking action on two Agenda items, number 12 (acquisition of the land from Brookville Turnpike Construction Company to construct a storm water management facility); and Consent Agenda Item (A) (Award of a bid for the construction of the Don Mills Court Storm water maintenance infiltration facility). Mr. Meyer commented that if the City would not be doing mitigation in the Cabin John Watershed site, it would become critically important to involve citizen input into the process of what would take place in these areas and he suggested that the City explore sources to fund any enhancements, i.e., grants or shared costs, as an alternative to the use of City money.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Joseph Tomley was appointed to serve on the Historic District Commission.

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Re: Adoption of Minutes

Councilmember Marrinan noted that in the confusion of the vote on the Minutes for Meeting No. 26-93 (July 12, 1993), he was noted as abstaining when he did not. Councilmember Krasnow noted a correction on page 5; she said that she recalled that Mr. Kim stated that he had been given an offer by RCI to relocate to Phase One; other Councilmembers agreed with Ms. Krasnow's recollection. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, with Councilmember Coyle abstaining, the minutes of Meeting No. 26-93 were approved as corrected.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 27-93 (July 19, 1993) were approved as written.

Re: Consent Agenda

Councilmember Krasnow requested the removal of Item A in order to abstain from voting on this matter. Upon motion of Councilmember Coyle, duly second and unanimously passed, the following Consent Agenda items were approved.

- (A) Award of Bid 4-94 for the construction of the Don Mills Court SWM Infiltration Facility to VMP Construction Co., Inc. for the low bid amount of \$190,464.

The work includes installing 780 feet of 54" diameter corrugated aluminum pipe, 610 feet of storm drain pipe, and landscaping. Work will begin on September 7 with a scheduled completion of November 15, 1993.

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- (B) Award of Bid #5-94, for Asphalt Pathways and Concrete Sidewalks to Trans Metro Construction, Inc. of Upper Marlboro, MD, for the low bid amount of \$45,161.60.

Sufficient funds are budgeted in the Recreation and Parks Department budget.

- (C) Acceptance of Application for Text Amendment T-138-93, Rockville Planning Commission, Applicant.

Amendment to the Administration section of the Zoning Ordinance to change the membership of the Planning Commission from seven to five.

Re: Adoption of Ordinance to amend the Zoning Map by adding 6.98 acres of land, more or less, of James and Teresa Wilcoxon, and placing said property in the I-1 Service Industrial Zone.
Annexation Petition X-114-93,
Joseph A. Lynott, Attorney for
James and Teresa Wilcoxon,
Petitioners.

To establish I-1, Service Industrial zoning upon annexation of two parcels of land totaling to 6.98 acres located at the intersection of Southlawn Court and Southlawn Lane.

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Ordinance No. 10-93

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Ordinance amending the Zoning Map by adding 6.98 acres of land and placing said property in the I-1 Service Industrial Zone, was adopted.

Re: Adoption of Ordinance to grant Text Amendment Application T-135-93, Rockville City Centre, Applicant.

This application requests amendment to the Zoning Ordinance so as to allow pet grooming, veterinary office, and dry cleaning as permitted uses in the Town Center Office - Two (TCO-2) Zone.

Ordinance No. 11-93

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance granting Text Amendment Application T-135-93 was adopted.

Re: Acceptance of "Offer of Agreement" to purchase land from Brookville Turnpike Construction Company, Inc. and NEI Liquidating Trust.

The agreement was negotiated by the Department of Community Development for the purpose of acquiring land to construct a storm water management facility.

Councilmember Krasnow expressed concern about the Assistant City Attorney's warning that under the owner's conditions that the the property was being sold "as is, where is", there would be no warranties when the City purchased the property. She asked that staff comment on this issue.

The City's Real Estate Specialist, Bernie Fitzgerald responded that the property in question was essentially a piece of ground left over from the Hungerford subdivision, dating back for over 30 years. He said the land was unused and the owner's representative, Mr. Gingery, had stated the ground was unusable for his purposes and was willing to convey it to the City. Mr. Fitzgerald explained that the City obtained two independent title searches which concluded that title was good. In addition, he said that Public Works staff had examined the site and concluded that there did not seem to be any environmental concerns.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Offer of Agreement for the purpose of acquiring land to construct a storm water management facility, was unanimously accepted.

Re: Presentation by Solid Waste
Disposal Task Force.

The Task Force has concluded a seven month study involving the receipt of proposals to determine a long-term solid waste disposal solution which is environmentally sound, cost-effective, and would meet or exceed all standards for the disposal of municipal solid waste. The Task Force will present its findings.

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Mr. Romer explained that several months ago, the Mayor and Council established a staff task force to develop a long range solid waste disposal solution which would satisfy the needs of the City and address environmental concerns. The Task Force was headed by Assistant City Manager Rick Kuckkahn who then summarized the Final Report. Mr. Kuckkahn said that the Task Force found that a 20-year contract with Waste Management of Montgomery County for the disposal of the City's solid waste, including regular refuse, recyclables, yard waste, and leaves, would be a decided cost advantage to the City. The Task Force recommended that Waste Management build and operate a Solid Waste Transfer Station Facility to dispose of Rockville's solid waste.

Mayor Duncan commented that he would prefer to hold a public hearing on the Task Force's recommendation sometime in September; however, he suggested that staff proceed with setting up a series of informational briefings to the public and begin negotiations for a final contract.

The Mayor and Council then offered the following questions and comments for staff to follow up on prior to the Public Hearing to take place later:

Councilmember Robbins

- What is the potential for bringing other municipalities into the proposed solid waste facility and would the Gude Drive location be affected by waste coming in from other areas if the program were to be expanded.

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Mayor Duncan

- Regarding five to ten year projections; how does the CPI factor consider into this?
Tipping fees need to be factored into the County's fees.
- More detail is needed on how the landfill and any subsequent landfill will be grandfathered in to the process.
- The Mayor and Council need to be provided with data on truck traffic and traffic flow.
- Discussion on what the impact of going from 200 to 600 tons per day will be before the City commits to this.
- Staff should immediately generate a mailing list to provide information to the civic, community and business associations prior to the public hearing.

Councilmember Krasnow

- Mayor and Council would like to see reassurance that the system benefits charge would not apply to the City as Montgomery County insists that it does.
- Regarding the current facility, are there currently any complaints about ongoing activity at Gude Drive?
- If the City has problems with the service provided by Waste Management, is there any provision for ending the 20 year contract?
- Staff was asked to propose a recommendation on the option of bringing refuse in from other areas.

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Councilmember Coyle

- What are the impacts on the City's manpower and operation of the facility if the City were to rework how refuse is handled at the Gude facility?
- It would be helpful to have a visual model of how the transfer station will look and operate.
- If the City were to expand the amount of tonnage picked up, would this push operations into weekend layover?
- The City should anticipate the handling of hazardous materials for the business community.

Mayor Duncan commended the Task Force on their work. He commented that any cost savings the City realized as a result of this undertaking should be passed on to the residents and consumers who used the service. Mayor Duncan suggested that the Task Force proceed with contract negotiations and plan for a public hearing to take place on September 20, 1993. Staff was asked to provide the Mayor and Council with an update at the General Session on August 2nd.

Re: FYI/Correspondence

1. Councilmember Marrinan commented that the recommendations outlined in the COG Partnership for Regional Excellence final report would clearly impact local jurisdictions; he asked whether staff had any reaction to those recommendations.

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2. Councilmember Marrinan congratulated Assistant City Manager Rick Kuckkahn on his reappointment as President of the Maryland Municipal League's 1993-94 Legislative Committee, and Assistant to the City Manager Cheryl Lampkin on her appointment to the International City Management Association Public Policy Committee.

3. Councilmember Coyle asked whether the City needed to take any action on the State of Maryland Homestead Property Tax Credit rate. Mr. Romer explained that no action was necessary as the City had historically let the County rate prevail.

Re: New Business

1. Councilmember Krasnow asked staff to look into complaints about the lack of visibility at the intersection of Mannakee and Rt. 28, due to an overgrowth of residential vegetation.

2. Ms. Krasnow asked that staff follow up on the City's proposal to adopt the trash can free park policy; she noted that such a policy might cause increased litter in the City's parks.

3. Ms. Krasnow expressed a desire to see the citizens of Rockville become involved in relief efforts for the midwest flood victims.

Re: Next Meeting

Mayor Duncan and Councilmember Marrinan noted that they would not be present at the August 2, 1993 General Session. That agenda will include presentations of the finalist proposals for the Elwood Smith Park art work, tentative actions regarding the Thomas Farm annexation petition and discussion and instruction to staff regarding Text Amendment Application, T-134-93.

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Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:07 p.m. to convene again in General Session at 7:30 p.m. on August 2, 1993, or at the call of the Mayor.